

Notice of Allowability

Application No.

10/653,807

Examiner

Michael G. Mendoza

Applicant(s)

BACHMANN, MICHEL ANDRE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 15 December 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-10,12-30 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1, line 2, change "a-biological" to - -a biological- -.

In claim 1, line 30, change "of ring" to - -of the ring- -.

In claim 1, line 35, change "of ring" to - -of the ring- -.

In claim 9, line 2, change "wherein ring" to - -wherein the ring- -.

In claim 9, line 5, change "holding ring" to - -holding the ring- -.

In claim 12, line 3, change "ring" to - -the ring- -.

In claim 12, line 5, change "of ring" to - -of the ring- -.

In claim 12, line 7, change "of ring" to - -of the ring- -.

In claim 14, line 4, change "of ring" to - -of the ring- -.

In claim 14, line 9, change "of ring" to - -of the ring- -.

In claim 16, line 1, change "The ring" to - -The surgical ring- -.

In claim 17, line 1, change "The ring" to - -The surgical ring- -.

In claim 17, line 6, change "of ring" to - -of the ring- -.

In claim 17, line 13, change "of ring" to - -of the ring- -.

In claim 18, line 1, change "The ring" to - -The surgical ring- -.

In claim 18, line 2, change "on ring" to - -on the ring- -.

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In claim 19, line 1, change "The ring" to - -The surgical ring- -.

In claim 20, line 1, change "The ring" to -The surgical ring- -.

2. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or render obvious the overall claimed invention of a surgical ring, designed to be implanted in the body of a patient around a biological organ to form a pouch or a duct, in order to modify the cross-sectional area of a passage of the organ when it is tightened by the ring, the ring comprising: a means of encircling further comprise a male element and a female element, each of which is mounted integrally to the first extremity and mounted on or relative to the latter in such a way that, when they are connected together, the means of encircling is latched, forming a closed collar, and wherein the second extremity of the ring further comprises a first means of stopping designed to thrust against the rear face of the closed collar surrounding the second extremity of the ring in latching configuration, so as to prevent the shifting of the second extremity in the opening direction.

3. The prior art of record fails to teach or render obvious the overall claimed invention of a ring designed to be implanted in the body of a patient around a biological organ to form a pouch or a duct, the ring comprising: a tension element slidably disposed within a flexible band; an actuator disposed on a second extremity of the flexible band, the actuator engaging the tension element so that operation of the actuator causes the tension element to constrict the flexible band against the biological organ; and a closure system having a latched configuration and a de-latched configuration, the closure system comprising a male element and a female element mounted on the first

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extremity, the male element configured to selectively interengage the female element to form a closed collar that encircles the second extremity of the flexible band in the latched configuration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael G. Mendoza whose telephone number is (571) 272-4698. The examiner can normally be reached on Mon.-Fri. 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-44963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GLENN M. DAWSON
PRIMARY EXAMINER